

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/054,180 04/01/98 REISTAD

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EXAMINER

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CAMPAGNA

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

06/16/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|--------------------------------------|---------------------------------------|
| Office Action Summary | Application No. 09/054,180 | Applicant(s) Reistad et al. |
| | Examiner John Campa | Group Art Unit 2765 |

Responsive to communication(s) filed on May 17, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) 4-10 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-3 is/are rejected.

Claim(s) _____ is/are objected to.

Claims 4-10 are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on Apr 1, 1998 is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121, as discussed in Paper No. 4, paragraph 1:

- I. Claims 1-3, drawn to electronic transaction negotiation systems, classified in class 705, subclass 26.
- II. Claim 4, drawn to electronic transaction negotiation modules, classified in class 705, subclass 26.
- III. Claim 5, drawn to electronic transaction fraud-avoidance negotiation system, classified in class 705, subclass 44.
- IV. Claim 6, drawn to an electronic transaction optimal price negotiation system, classified in class 705, subclass 26.
- V. Claim 7, drawn to electronic transaction and virtual warehouse processing, classified in class 705, subclass 28.
- VI. Claim 8, drawn to an electronic gift certificate sale negotiation system, classified in class 705, subclass 14.
- VII. Claim 9, drawn to an electronic token sale negotiation system, classified in class 705, subclass 39.
- VIII. Claim 10, drawn to an electronic subscription sale negotiation system, classified in class 705, subclass 1.

Art Unit: 2765

Reply to Election with Traverse

2. Applicant's election with traverse of Group I (claims 1-3) in Paper No. 5 is acknowledged.

The traversal is based on the grounds that it would not be a "substantial burden" on the examiner to search and examine together all of the claimed features of the instant application. This is not found persuasive because examiner reasserts that for examination purposes, groups I-VIII belong in separate classifications, are in a separate status in the art though classified together and/or require different fields of search, and would be a "substantial burden" on the examiner to search and examine together all of the claimed features of the instant application.

Applicant states that "[t]he Examiner's mere conclusory statements that the search required for each group is not 'required' for any of the other groups is not an 'appropriate explanation' as to a 'serious burden,' " despite examiner's eleven page analysis provided to the applicant. M.P.E.P. § 817 reads in pertinent part:

The following outline of a letter for a requirement to restrict is intended to cover every type of original restriction requirement between related inventions including those having linked claims.

OUTLINE OF LETTER

(A) Statement of the requirement to restrict and that it is being made under 35 U.S.C. 121.

(1) Identify each group by Roman numeral.

(2) List claims in each group. Check accuracy of numbering of the claims; look for same claims in two groups; and look for omitted claims.

(3) Give [sic] **short description** of [sic] total extent of the subject matter claimed in each group, pointing out critical claims of different scope and identifying whether the claims are directed to a combination, **subcombination**, process, apparatus, or product.

(4) Classify each group.

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Art Unit: 2765

See M.P.E.P. § 817 (emphasis added). Examiner believes his original restriction requirement found in Paper No. 4 fulfilled the above stated requirements and although applicant's suggestion was received with much appreciation, examiner rejects the notion that there are at least 56 specific instances in which an explanation is required. *See* Paper No. 5, page 2.

However, examiner will provide applicant with further analysis regarding the restriction requirement asserted in Paper No. 4. M.P.E.P. § 808.02 states generally that an examiner, in order to show reasons for insisting upon restriction, must show by appropriate explanation that the inventions either belong in separate classifications, hold a separate status in the art *when they are classified together* or require different fields of search *when they are classified together*. *See* M.P.E.P. §§ 808.02(A), (B), (C). Each one of groups III, V, VI, VII and VIII belong in separate classifications and require a different field of search.

Group III possesses the feature of handling fraud-avoidance transaction processing based on parameters other than price, purchaser identity and seller identity, and thus is drawn to class 705, subclass 44, which includes subject matter in which an approval is required prior to effecting a funds transfer between accounts to which the invention is clearly drawn to. Group V possesses the feature of being able to negotiate a sale while verifying with a virtual warehouse that the item is available, and thus is drawn to class 705, subclass 28, which includes subject matter drawn to a computerized arrangement for establishing, maintaining, or updating a record of a store of goods to which the invention is clearly drawn to. Group VI possesses the feature of being able to negotiate the sale of gift certificates to two client computers and to store the gift certificate

Art Unit: 2765

information in a database, and thus is drawn to class 705, subclass 14, which includes subject matter drawn to the distribution or redemption of coupon, or incentive or promotion programs to which the invention is clearly drawn to.

Group VII possesses the feature of being able to negotiate the sale of tokens which can be redeemed for micro-purchases and also being able to increase a number of tokens in a token database that are available for use in exchange for the micro-purchases, and thus is drawn to class 705, subclass 39, which includes subject matter drawn to a computerized arrangement for transferring funds by debiting one account and crediting another to which the invention is clearly drawn to. Group VIII possesses the feature of being able to negotiate the sale of subscriptions and also being able to update a subscription table in order to reflect the purchase of the subscription, and thus is drawn to class 705, subclass 1, which includes subject matter drawn to an automated electrical financial or business practice for which no specific subclass has been defined.

In light of the foregoing, examiner reasserts that indeed it would be a "serious burden" to require him to search and examine each of the inventions described above belonging in separate subclasses. Each one of the groups belong in separate classifications and require a different field of search. Each of the subclasses described above contains a substantial amount of patent literature and performing a thorough search of each subclass pertaining to each of the inventions would be unduly burdensome. Further, the assertion previously made in Paper No. 4 with regard to the searches required for each group not being required for the others relates to the necessity of

conducting a unique and extensive search through different subject matters (i.e., subclasses), for each group.

For example, assume the examiner began a search for the claimed invention in Group III, which possesses the feature of handling fraud-avoidance transaction processing based on parameters other than price, purchaser identity and seller identity. The examiner would need to search all of class 705, subclass 44, which includes subject matter in which an approval is required prior to effecting a funds transfer between accounts. Moreover, a thorough search of class 340, specifically subclasses 825.31, 825.34 and 825.35, dealing with authorization control and credit authentication, also would be necessary to be complete. In total, over 2000 patents would need to be searched through and evaluated for relevance.

It is highly unlikely that during said search examiner could or would encounter any patent literature directed towards the subject matter found in class 705, subclass 14, which includes subject matter drawn to the distribution or redemption of coupon, or incentive or promotion programs, which would have to be thoroughly searched through for the invention of Group VI, possessing the feature of being able to negotiate the sale of gift certificates to two client computers and to store the gift certificate information in a database. The specific feature of Group VII relating to the sale of gift certificates dominates the search required for that group. In addition to performing a thorough search of class 705, subclass 14, the examiner would be required, for example, to search through class 273, subclass 288 and IPC class B42D, subclass 15/02.

Art Unit: 2765

It is readily apparent that the searches required for Groups III and VI clearly are distinct. It should also be noted that the classes and subclasses listed above for each group are preliminary fields of searches and could very well be modified during the course of the group's respective searches. In any event, examiner's experience leads him to believe that at no time will either of the searches required for the groups above (or any of the groups subject to this restriction requirement) intersect. This line of reasoning carries forth through the rest of the grouped inventions. Examiner submits that requiring such a widespread, exorbitant search and examination would not serve to further the interests of both the applicant and the Office in terms of the common desire for compact prosecution.

With regard to the inventions found in groups I, II and IV, a different search is required for each group. In addition, each group, while classifiable together in class 705, subclass 26, dealing with electronic shopping, holds a separate status in the electronic shopping arts notwithstanding belonging to the same subclass. Examiner notes that subclass 26 of class 705 arguably is the largest and fastest growing collection of art in the business methods having data processing arts. As a result, much of the art currently classified in class 705, subclass 26 embody many disparate aspects of electronic shopping.

The invention in group I features including multiple options in the proposed purchase offer, including in the response to a purchase offer an amendment that includes the selection of an option of at least one of the terms or conditions and cryptographically protecting communications. The search required for group I could involve, for example, conducting a

Art Unit: 2765

thorough search of class 705, subclass 26 and in addition, a thorough search of several subclasses within class 707, dealing with data processing and classes 380 and 902/2, both dealing with encryption. This list is not exhaustive.

Alternatively, the search required for group II could involve, for example, conducting a thorough search of class 705, subclasses 26 and 1, and in addition, a thorough search of several subclasses within class 711, dealing with electrical computers and digital processing systems and a thorough search of several subclasses within class 395, dealing with information processing system organization, relating to group II's feature of being able to initiate a plurality of calls to a plurality of plug-in modules that are able to handle processing order acceptance requests and are also capable of being readily replaced by different plug-in modules. As discussed in Paper No. 4, the differences in features between the claimed inventions contained in groups I, II and IV require completely different approaches for conducting thorough searches.

Accordingly, the restriction requirement asserted in Paper No. 4 is still deemed proper and is therefore made FINAL.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Art Unit: 2765

4. Claims 4-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 5.

5. Claims 1-3 have been examined.

6. The following non-patent literature references appear listed in the specification: "Appendix C," Transact Architecture.

The text accompanying the reference appears to very relevant to the instant invention and claims, and thus the applicant should provide the Office with any other pertinent information regarding this reference such as publication dates, version release dates, etc., so that the reference may be appropriately considered and evaluated for relevance.

Applicant is **reminded** of their duty to disclose all information material to the patentability of the application. *See* 37 CFR 1.56.

Oath/Declaration

7. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. *See* MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because applicant has not provided a complete post office address anywhere in the application papers for each applicant as required by 37

Art Unit: 2765

CFR 1.33(a). A statement over applicant's signature providing a complete post office address for each applicant is required.

Drawings

8. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

9. The drawings are objected to because the second sheet of drawings is not labeled as Figure 2. Correction is required.

Specification

10. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Examiner suggests the following title: -- ELECTRONIC COMMERCE SYSTEM FOR OFFER AND ACCEPTANCE NEGOTIATION WITH ENCRYPTION--

11. Recently, the Office has seen a number of specifications containing appendices that are not computer program listings. Frequently, these appendices are in the form of technical papers, technical standards, and/or thesis work. While computer program appendices are governed by 37 CFR 1.96, there is no rule directed specifically towards appendices that are not computer program listings. Rather, such appendices are merely another part of the specification and are thus subject to all rules applying to the form and content of the specification. Particular notice should be taken of:

37 CFR 1.58(a), which allows tables and formulas in the specification, but specifically forbids drawings or flowcharts.

Art Unit: 2765

37 CFR 1.52(b), which requires that **typewritten lines be 1 ½ or double spaced**; and that the **pages of the application**, including the claims and abstract, **be numbered consecutively**, commencing with 1.

37 CFR 1.52(a), which requires the application to be in the English language. The only exceptions are as provided in 37 CFR 1.69 for filing and in 37 CFR 1.96 for computer program listings.

37 CFR 1.96(a)(I), which requires that any paper computer program listing be placed “at the end of the description but before the claims.” In cases where an appendix is a technical paper, etc., that contains a computer listing intermixed with the text rather than at the end, the placement of the listing within the appendix is objectionable. Note that applicant may petition the Commissioner (see MPEP 1002.02(b)(item 2.)) for a waiver of this portion of the rule. However, the examiner does not have the authority to waive this requirement.

37 CFR 1.96 (b), which provides for the publishing of a computer program listing as a “microfiche appendix.” This is the sole rule that provides for microfiche publishing of a portion of the patent. No other materials may be so published.

Accordingly, “APPENDIX C” does not comply with 37 CFR § 1.58(a), which proscribes the inclusion of drawings in an appendix. The fourth, fifth, sixth, seventh and tenth pages of the appendix contain drawings. Further, the text in the appendix fails to comply with 37 CFR § 1.52(b), which requires that typewritten lines be 1 ½ or double spaced. Lastly, the pages of the appendix are not numbered consecutively so as to be consistent with the specification as required by § 1.52(b).

12. The appendices containing computer program listings and labeled as “APPENDIX A” and “APPENDIX B” are objected to for the following reason. If a computer program listing printout is eleven or more pages long, **applicants must submit such listing in the form of microfiche**, referred to in the specification. *See 37 C.F.R. § 1.77(a)(6)*. Such microfiche filed with a patent

Art Unit: 2765

application is to be referred to as a "microfiche appendix." The "microfiche appendix" will not be part of the printed patent. Reference in the application to the "microfiche appendix" must be made at the beginning of the specification at the location indicated in § 1.77(a)(6). Any amendments thereto must be made by way of revised microfiche. *See 37 §§ 1.96(c), (1) and (2),* for specific requirements.

13. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. **It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited.** The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

14. The abstract of the disclosure is objected to because it exceeds 250 words in length.

Correction is required. See MPEP § 608.01(b).

Claim Objections

15. Claims 1-3 are objected to as failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. See 37 C.F.R. § 1.75(a) and M.P.E.P. § 608.01(I).

The examiner has made several assumptions at this point of the examination, especially as it relates to antecedent basis, that will be clear from reading the paragraphs concerning claim

objections below. These assumptions concern the examiner's suggestions of alternative claim language which appear to add a clearer understanding to the claims. These assumptions are carried through the remainder of the examination of the claimed limitations. Applicant should inform the examiner in any response to this office action if any of these assumptions are incorrect and make appropriate changes to the claims.

Correction of the following is required:

Claim 1, lines 10-11 recite the limitation "including multiple options of at least one of the terms or conditions of the offer." The limitation should be modified to recite "including multiple options of at least one of the plurality of terms or conditions of the proposed offer" in order to have proper antecedent basis.

Claim 1, line 17 recites the limitation "the amendment including." The limitation should be modified to recite "the amendment to the proposed offer including" in order to have proper antecedent basis.

Claim 1, line 18 recites the limitation "at least one of the terms or conditions." The limitation should be modified to recite "at least one of the plurality of terms or conditions" in order to have proper antecedent basis.

Claims 2 and 3 contain similarly objectionable errors as in claim 1 above with respect to failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention, i.e., lack of antecedent basis objections.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford, U.S. Patent No. 5,724,424.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Gifford teaches an electronic commerce system comprising:

- **a client computer** (see figure 1, elements 61 and 62);
- **a server computer** (see figure 1, elements 64 and 65);
- **the client computer and the server computer being interconnected by a public packet switched communications network** (see figure 1, element 67);

- a client computer that is programmed to transmit to a server computer an order acceptance request comprising a plurality of terms or conditions of a proposed offer for a purchase including multiple options of at least one of the terms or conditions of the offer (see column 6, lines 14-44, the buyer computer may construct a payment order that includes transaction terms and send it to the merchant computer);

- a server computer that is programmed to process an order acceptance request based on preprogrammed criteria and based on the processing of the order acceptance request, to transmit to the client computer an order acceptance response comprising amendment to the proposed offer for the purchase, the amendment including selection of an option of at least one of the terms or conditions (see column 6, lines 30-45, the merchant computer processes the payment order and if it detects that information necessary to complete the transaction is missing then it transmits to the buyer computer the incomplete payment order, which is caused by the merchant computer to display the received correct information, i.e. the terms of the instant purchase and to indicate the missing terms of the attempted transaction).

Although Gifford does not explicitly show a response that includes an amendment to at least one of the terms of the proposed offer for purchase wherein at least one of the originally offered terms or conditions are selected, Official Notice is taken that making counter-offers that include an acquiescence of at least one of the originally proposed terms or conditions of a prior offer wherein additional, new terms or conditions are added to the counter-offer by a negotiating

party was an old and well known practice to those skilled in the business arts at the time of applicant's invention.

It would have been obvious to one having ordinary skill in the computer and business arts to implement the Gifford teachings such that when the merchant computer responds to the buyer computer by 'sending back' the incomplete payment order, in which time the merchant computer causes the buyer computer to display the correctly received information, (i.e. the acceptable terms of the instant purchase established by the buyer) along with an indication of any missing terms of the attempted transaction, but to modify the teachings so as to also incorporate the old and well known practice of making counter-offers by proposing additional terms or conditions, indicating the unacceptable terms or conditions included in the original offer (i.e., the order acceptance request) and indicating the specific terms or conditions of the original offer that were acceptable.

One having ordinary skill in the computer and business arts at the time of applicant's invention would have been motivated to make the foregoing obvious modifications to the Gifford teachings to get the advantage of procuring electronic commerce sales agreements more quickly and efficiently by making it apparent which terms in an agreement are not agreed upon and automatically selecting alternative terms.

As per claim 2, Gifford teaches an electronic commerce system comprising:

- a **client computer** (see figure 1, elements 61 and 62);
- a **server computer** (see figure 1, elements 64 and 65);

- the client computer and the server computer being interconnected by a public packet switched communications network (see figure 1, element 67);

- a client computer that is programmed to transmit to a server computer an order acceptance request comprising a plurality of terms or conditions of a proposed offer for a purchase (see column 6, lines 14-44, the buyer computer may construct a payment order that includes transaction terms and send it to the merchant computer);

- a server computer that is programmed to process an order acceptance request based on preprogrammed criteria and based on the processing of the order acceptance request, to transmit to the client computer an order acceptance response comprising a plurality of amendments to the proposed offer for the purchase (see column 6, lines 30-45, the merchant computer processes the payment order and if it detects that information necessary to complete the transaction is missing then it transmits to the buyer computer the incomplete payment order which is caused by the merchant computer to display the received correct information, i.e. the terms of the instant purchase and to indicate the missing terms of the attempted transaction).

Although Gifford does not explicitly show a response that includes an amendment to at least one of the terms of the proposed offer for purchase wherein at least one of the originally offered terms or conditions are selected, Official Notice is taken that making counter-offers that include an acquiescence of at least one of the originally proposed terms or conditions of a prior offer wherein additional, new terms or conditions are added to the counter-offer by a negotiating

party was an old and well known practice to those skilled in the business arts at the time of applicant's invention.

It would have been obvious to one having ordinary skill in the computer and business arts to implement the Gifford teachings such that when the merchant computer responds to the buyer computer by 'sending back' the incomplete payment order, in which time the merchant computer causes the buyer computer to display the correctly received information, (i.e. the acceptable terms of the instant purchase established by the buyer) along with an indication of any missing terms of the attempted transaction, but to modify the teachings so as to also incorporate the old and well known practice of making counter-offers by proposing additional terms or conditions, indicating the unacceptable terms or conditions included in the original offer (i.e., the order acceptance request) and indicating the specific terms or conditions of the original offer that were acceptable.

One having ordinary skill in the computer and business arts at the time of applicant's invention would have been motivated to make the foregoing obvious modifications to the Gifford teachings to get the advantage of procuring electronic commerce sales agreements more quickly and efficiently by making it apparent which terms in an agreement are not agreed upon and automatically selecting alternative terms.

As per claim 3, Gifford teaches an electronic commerce system comprising:

- a **client computer** (*see figure 1, elements 61 and 62*);
- a **server computer** (*see figure 1, elements 64 and 65*);

- the client computer and the server computer being interconnected by a public packet switched communications network (see figure 1, element 67);**
- a client computer that is programmed to transmit to a server computer an order acceptance request comprising a plurality of terms or conditions of a proposed offer for a purchase (see column 6, lines 14-44, the buyer computer may construct a payment order that includes transaction terms and send it to the merchant computer);**
- a server computer that is programmed to process an order acceptance request based on preprogrammed criteria and based on the processing of the order acceptance request, to transmit to the client computer an order acceptance response based on the pre-programmed criteria (see column 6, lines 30-45, the merchant computer processes the payment order and if it detects that information necessary to complete the transaction is missing then it transmits to the buyer computer the incomplete payment order which is caused by the merchant computer to display the received correct information, i.e. the terms of the instant purchase and to indicate the missing terms of the attempted transaction).**

Gifford does not teach:

- the client computer order acceptance request comprising a plurality of modular elements individually protected by cryptographic security codes.** However, Official Notice is taken that it was old and well known in the computer and business arts at the time of applicant's invention to utilize cryptographic security codes to encrypt electronic messages. It would have been obvious to one having ordinary skill in the computer and business arts to implement the

Art Unit: 2765

Gifford teachings while applying the old and well known concept of encrypting electronic messages using cryptographic security codes to encrypt the order acceptance request such that a plurality of modular elements are individually protected by cryptographic security codes to get the advantage of ensuring that electronic communications are kept secure and confidential.

- the sever computer processing of the order acceptance request including authentication of the cryptographic security codes and examination of the modular elements individually protected by the cryptographic security codes. However, Official Notice is taken that it was old and well known in the computer and business arts at the time of applicant's invention to decrypt electronic messages by authenticating cryptographic security codes. It would have been obvious to one having ordinary skill in the computer and business arts to implement the Gifford teachings while applying the old and well known concept of authenticating electronic messages using cryptographic security codes so as to decrypt the order acceptance request and examine the modular elements individually protected by cryptographic security codes to get the advantage of ensuring that electronic communications are kept secure and confidential.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

Art Unit: 2765

made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Tozzoli et al., U.S. Patent No. 5,717,989, teaches a system that stores criteria relating to trade transactions for buyers and sellers whereby the system compares the criteria with a proposed purchase order to determine whether the system can generate a payment guarantee on behalf of a funder for the buyer to the seller.
- Assay et al., U.S. Patent No. 5,903,882, teaches a method of managing reliance in an electronic transaction system including a certificate authority for keeping the transactions secure.
- Payne et al., U.S. Patent No. 5,909,492, teaches a network based sales system including at least one buyer computer for operation by a user desiring to buy a product using cryptographic keys.
- Shanton, U.S. Patent No. 5,898,781, teaches a system for increasing the security of a computer system by encrypting objects sent by users.
- Ferstenberg et al., U.S. Patent No. 5,873,071, teaches a computer system that exchanges messages in order to facilitate an intermediated exchange of tangible or intangible commodities between a plurality of participants.
- Edwards et al., U.S. Patent No. 5,557,780, teaches a system and method for performing Electronic Data Interchanges among two or more trading partners that is capable of accepting any

Art Unit: 2765

format of EDI so long as the incoming data segments are composed of data segments and elements conforming to some EDI format.

- Church et al., U.S. Patent No. 5,794,234, teaches a system and method that provides Electronic Data Interchange type transactions between trading partners having incompatible accounting databases. A set of transactions are extracted from an accounting database and converted into a universal file format that is used to exchange data between the various client computers.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Campa whose telephone number is (703) 305-1382. The examiner normally may be reached Monday-Thursday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, may be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit may be submitted to (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER